

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JEFFREY HASSENFLUNG,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, ET
AL.,

Defendants.

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Civil Action No. 5:20-CV-00079-RWS-JBB

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (Docket No. 4), which contains the Magistrate Judge's findings, conclusions and recommendations for the disposition of this case. The Court hereby adopts the Report and Recommendation of the Magistrate Judge as the findings and conclusions of this Court.

This case was severed out of a larger lawsuit. Docket No. 1. The complaint in the larger lawsuit was filed *pro se* by multiple plaintiffs who alleged violations of their constitutional rights and sought class certification. Docket No. 2.

In this severed case, Plaintiff Jeffrey Hassenflung was ordered to file an amended complaint and to pay the filing fee or seek leave to proceed *in forma pauperis*. Docket No. 1. Plaintiff received a copy of the Magistrate Judge's Order (Docket No. 3) but did not respond to the Order. Docket No. 4. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 4. A copy of this Report was sent to Plaintiff at his last known address but was returned as undeliverable and unable to forward. Docket No. 5. To date, Plaintiff has not notified the Court of

his current mailing address or present whereabouts, has not contacted the Court and filed no objections to the Report. Because Plaintiff filed no objections to the Report, he is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations; and, except upon grounds of plain error, he is also barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *see also Arriaga v. Laxminarayan*, No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021) (noting Plaintiff was not entitled to *de novo* review of the Magistrate Judge's findings where Plaintiff did not acknowledge receipt of the Report and Recommendation or file any objections thereto).


The Court has reviewed the pleadings and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-captioned case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that any pending motions in the above-captioned case are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 14th day of February, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE